6-75-04

, se

## UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/696,738

Applicant : Yager et al.

Filed: October 28, 2003

Title : Wavelength Tunable Surface Plasmon Resonance Sensor

Confirmation No. 6310

TC/A.U. : 2877

Examiner : Juan D. Valentin

Docket No. : 128-02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail in an envelope

addressed to: Mail Stop Amendment,

Hon. Commissioner for Patents, PQ Box 1450, Alexandria VA 22313-1450 EV 504 060-992 US

ate Kay Speaker

## SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents Mail Stop Amendment P.O. Box 1450 Alexandria, VA 22313-1450

Alexandria, VA 22313-1430

Sir:

The Examiner is respectfully requested to consider the references which may qualify as prior art. For the Examiner's convenience, the references are listed on the attached Patent and Trademark Office form PTO-1449. As this application was filed after June 30, 2003, copies of the listed U.S. patent documents are not provided; See, Disclosure Statements Filed After June 30, 2003, Off. Gaz. Pat. Off., 8/5/2003.

The references and information provided herewith are cited in a spirit of forthrightness and cooperation to enable the applicants to obtain that measure of protection for the invention to which there is entitlement. However, no representation is made that the listed art actually qualifies as prior art under the patent statute and the mere use of PTO-1449 is not an admission that all listed references are prior art. No representation is made that applicants know of the best art.

In accordance with 37 C.F.R. 1.97(d) and 1.97(e), Applicants assert that each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Supplemental Information Disclosure Statement.

It is believed that no fee is due with the submission of these references. If this is incorrect, however, please charge any required fee or the fee for any extension of time required to Deposit Account No. 07-1969.

Respectfully submitted,

S', B. Barone

Stephen B. Barone Reg. No. 53,968 Customer Number 23713

GREENLEE, WINNER and SULLIVAN, P.C. 5370 Manhattan Circle, Suite 201

Boulder, CO 80303 Phone: (303) 499-8080 Fax: (303) 499-8089 ks: October 21, 2004

Docket 128-02



## EV 504 060 992 US

PTO/SB/08A (08-03)

Approved for use through 07/31/2006, OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE no persons are required to respond to a collection of information unless it contains a valid OMB control number. Under the Paperwork Re

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

Substitute for form 1449/PTO

Sheet 1

(Use as many sheets as necessary)

of 1

Complete if Known **Application Number** 10/696,738 Filing Date 10/28/03 First Named Inventor Yager Art Unit 2877 **Examiner Name** Valentin 128-02 Attorney Docket Number

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Document Number Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2 (d known)</sup>	WW-DD-1111	Applicant or offed bocument	
		<sup>US-</sup> 6,573,107	06/03/03	Bowen et al.	
		<sup>US-</sup> 6,330,062	12/11/01	Corn et al.	
		<sup>US-</sup> 5,491,556	02/13/96	Stewart et al.	
		<sup>US-</sup> 5,351,127	09/27/94	King et al.	
		<sup>US-</sup> 5,322,798	06/21/94	Sadowski	
		US-			
· -		US-			
		US-		h	
		US-			
		US-			
	<del>                                     </del>	US-			
	-	US-			
		ÚS-			
	<del>                                     </del>	US-			

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No.1	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>		
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)						

Examiner	Date	te
Signature	Con	nsidered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. The reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant, Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. The reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant, Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents, the included copy of MPEP 901.04. The provider of the patent document, by the two-letter code (WIPO Standard ST.3), for Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Skind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. Applicant is to place a check mark here if English language. Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.